

64-A District Court Veterans' Court for Treatment and Recovery of Ionia (VCTRI)



-Image by Erik Renner 2009

Veterans' Court (VCTRI)

Table of Contents

VCTRI Philosophy	Page
Mission Statement	Page
Mentor Program	
Target Population	Page
Eligibility/Ineligibility	Page
VCTRI Residency Boundaries	Page
Entry Process	Page
Termination Criteria	Page
Program Requirements	Page
Participant Waiver and Agreement	Page

VCTRI Philosophy

VCTRI is the first treatment court in Michigan geared to specifically meet the needs of service members and veterans. Michigan and Ionia County have treatment courts already geared to meet the special needs of their target populations. Our target population here will be service members and veterans who find themselves in trouble with the criminal justice system specifically because of criminal behavior resulting from their physical injuries from combat, PTSD and/or TBI. I can think of no class of citizen who has given more to America, and our freedom, than America's combat veterans. We owe them much much more than just locking them up in jail or prison. We owe them the full and complete opportunity to heal and share in life in America as a healthy citizen.

-Honorable Raymond P. Voet, Veterans' Court Judge

We will be providing service members and their families the opportunity to avoid further self-defeating behaviors by learning to manage the effects of their physical and invisible wounds suffered in the course of their service.

-John Clay Kincaid, USMC, FMF, Viet Nam vet

It is an honor to be part of a solution that has long been overlooked. This not only helps the veterans but also their families and those who love them.

-Don Behm, Viet Nam vet, infantry

As the child of a beloved veteran, it is important to me that military injuries are tended to. When veterans heal, their families and loved ones heal too. America's contract with service members requires fulfillment by America, as well as the service member. One symbol of America is its court system. The establishment of VCTRI (and other Veterans' Courts) to assist service members with mental and physical health issues shows America is making good on its obligation.

-Erika Behm, daughter of Don Behm and Veteran
Advocate

I am honored to be given an opportunity to help ameliorate the lives of our injured and struggling servicemen and women. Many soldiers have and continue to put their lives in danger for my freedom, and they are often negatively affected both physically and mentally. As the supervising officer of VCTRI, I would like to first thank all of our past and current soldiers for their service. I promise to do everything in my power to assist participants and point them in the proper directions so that both their physical and mental wounds are properly addressed. I owe this to our troops. With the help and support of the VCTRI program, we will be VICTORIOUS!!

-Ron Morseau, VCTRI Coordinator and Probation Officer

I have never served in war or hostile occupation, or seen firsthand the casualties of such venues. I will never be able to identify with those who have so served. I can only offer to assist in their healing.

-Karen S. McFadden, Specialty Court Collaborator

Veterans' Court officials have reinvented their traditionally adversarial roles and work as a Team to make this specialized court most effective for participant recovery. With the Judge acting as leader, probation officers, prosecutors, police agencies, defense attorneys, and treatment professionals from Ionia County and veterans' services organizations work collaboratively to develop a strategy that is in the best interest of both the participating veteran and society.

The Veterans' Court is based on principles of immediate and progressive sanctions combined with appropriate rewards. Defendants that enroll in the Veterans' Court Program must accept the legal sanctions associated with the crime committed (fines, costs, restitution, driver's license consequences) and comply with an individualized treatment plan designed by the Veterans' Court Team.

Failure to meet the requirements will result in sanctions imposed by the Judge as recommended by treatment providers and the remainder of the Veterans' Court Team. When the participant completes the conditions of his or her treatment plan, he or she will move from one phase of the treatment program to another, and ultimately commence from the Veterans' Court Program.

VCTRI Mission Statement

The Mission of the Veterans' Court for Treatment and Recovery of Ionia is to prevent recidivism through an intensive court-structured treatment and recovery program designed specifically for active, reserve, Guard, or post-active military service members whose physical and/or psychological injury from service contribute to criminal behaviors.

Mentor Program

This specialty court is service member-centered. The Court recognizes that those who have served our Country have endured a unique and intense experience. That experience has permanently colored the service member's outlook on the World, and way they interact with others. Because the Court recognizes this, it does not expect the service member to trust "the system" and, initially, the merits of this specialty court. Therefore, the Court has created a mentoring program for enrolling participants. These mentors are veterans themselves who have endured an experience similar to that of the offending service member. The mentors could assist the service member as early as upon his or her arrest and will assist the service member through the program mandates. These mentors have been chosen by the Court, cooperate with the Court, and are committed to seeing the service member recover.

Target Population

Active, reserve, Guard, or post-active military service members whose physical and/or psychological injuries from service contribute to criminal behaviors.

Eligibility

1. Residence *within* established boundaries, or intention to reside *within* established boundaries for the entire probationary term (*see boundaries on following page*).
2. Diagnosed as alcohol and/or drug dependent and/or exhibiting symptoms of a physical and/or mental illness resulting from service.
3. Facing an adult criminal charge or probation violation in Ionia County.
4. Criminal charge or probation violation in another jurisdiction if the service member otherwise qualifies for VCTRI, is referred by the judge of the transferring jurisdiction, and the VCTRI Team decides to accept the transfer.

Ineligibility

1. Residence *outside* established boundaries, or intention to reside *outside* established boundaries for the entire probationary term. Exceptions to this rule must be approved by the Team.
2. Current charge involving violence unless the Prosecuting Attorney's Office and the victim approve the service member's enrollment and the offense does not violate state or federal specialty court enrollment requirements.
3. Crash of a motor vehicle while intoxicated unless the Prosecuting Attorney's Office and the victim approve the veteran's enrollment
4. Prior charge or conviction for serious violence involving a weapon or serious bodily injury or intent to do serious bodily injury.
5. Probation violation without new charge after serving 12 or more months of probation.
6. Charges pending in another jurisdiction that would restrict participation in VCTRI program.

*** VCTRI will not discriminate based on gender, race, ethnic background, sexual orientation, physical ability, cultural and religious backgrounds.*

++ Meeting all eligibility requirements does not guarantee a placement in the VCTRI program.

VCTRI Residency Boundaries

Inside the Boundaries

N. Sidney
Crystal
Carson City
Maple Rapids
Fowler
Wacousta
Eagle
Hoytville
Coats Grove
Carlton Center
Freeport
Alto
Cascade
Ada
Cannonsburg
Bostwick Lake
Greenville

Outside the Boundaries

Stanton
Middleton
St. Johns
Grand Ledge
Needmore
Gresham
Vermontville
Hastings
Middleville
Caledonia
Alaska
Kentwood
Belmont
Rockford
Cedar Springs
Gowen
Turk Lake

Townships and Cities Within Boundaries

Ada Township	23.9
Belvidere Township	34.7
Bengal Township	19.9
Bloomer Township	24.3
Bowne Township	24.8
Bushnell Township	16.6
Cannon Township	28.6
Carlton Township	26.9
Crystal	27.7
Dallas Township	16.0
Danby Township	21.4
Douglas Township	30.0
Eureka Township	21.1
Evergreen Township	17.1
Fairplains Township	18.3
Fowler	22.2
Grattan Township	22.4
LeBanon	21.4

Lowell	17.1
Maple Rapids	26.9
Oakfield Township	31.8
Pine Township	30.0
Sidney Township	18.9
Sunfield Township	19.8
Westphalia Township	18.1
Woodland Township	20.5

Criminal Proceedings Initiated

The candidates potentially eligible for VCTRI are individuals charged in the 64A District Court with a new crime, a violation of probation, or with a violation of bond conditions. Any of these proceedings may be initiated in the 64A District Court for Ionia County by arrest upon probable cause by a law enforcement officer or by filing of a charge by a prosecuting official or probation officer.

Legal Screening

All service members entering the 64A District Court on charges for a requisite offense, as indicated above, shall be screened for their legal eligibility for placement in VCTRI. A member of the Veterans' Mentor Program or a VCTRI-assigned defense attorney will initially determine whether the charged person meets the "service member" requirement indicated in the Target Population section above. The screening will occur within 14 days of arrest or the filing of a charge.

Once determined that the charged person is a member of the Target Population, he or she will be further screened for entry by a VCTRI-assigned defense attorney and/or the assistant prosecutor assigned to VCTRI. Screening will occur at arraignment on Tuesdays at 10am. If a service member is lodged in the Ionia County Jail and unable to post bond, the screening will occur within a reasonable time after the Court is informed.

The 64A District Court shall make court appointed counsel available at all scheduled screening occasions. These defense attorneys are themselves veterans, and the fees for their services will be paid by the Court. They will be available not only for legal screening, but may also assist the service member at each stage of the criminal proceedings leading up to sentencing into VCTRI.

There is no right to placement in VCTRI, even if a candidate otherwise meets the legal criteria. Any candidate for VCTRI deemed legally eligible shall be referred for clinical screening to the VCTRI treatment provider only upon the recommendation of the prosecutor and with the agreement of the defendant. Criminal defendants not referred on to clinical screening shall continue through the traditional criminal process.

Clinical Screening

A clinical screening of the candidate by the VCTRI treatment provider or its contracted assessors shall commence within 48 hours of the referral. The VCTRI treatment provider shall determine whether the candidate meets the clinical criteria for placement in VCTRI for substance abuse dependence. The service member will further be assessed by a professional qualified to diagnose whether the candidate suffers from any service-related physical or psychological injury. If the candidate has registered with the VA, documentation of that registration must be produced by the service member. If the member has already been assessed for any of these injuries, documentation of the assessment will be provided to the VCTRI clinical screener. If not, the service member must be assessed as soon as possible to identify any possible qualifying injury or injuries. The member will sign a release to have these results disclosed to the VCTRI treatment provider, or the service member may provide the results to the provider him or herself. The provider shall then provide to the 64A District Court Judge the following: 1) a determination as to whether the candidate is

clinically eligible; and 2) whether the service member would otherwise be good candidate for VCTRI. Criminal defendants not referred for VCTRI after clinical screening shall continue through the traditional criminal process.

Admission

Final approval for admission into VCTRI lies within the sole discretion of the 64A District Judge, upon review of the above information. Under no circumstance will any candidate for VCTRI be denied admission merely upon the basis of his or her gender, race, ethnic background, sexual orientation, cultural and/or religious backgrounds.

Termination Criteria

Warrants, new arrests or violation of any aspect of participant's treatment plan may result in a probation violation and termination from the VCTRI program. Other violations which may result on termination including: **DISHONESTY**, failing to cooperate with the probation officer or treatment program, and any violence or threat of violence directed at treatment staff, court personnel, other VCTRI participants or other clients of the treatment providers. Any violation of the Participation Waiver and Agreement or failure to meet program requirements will result in sanctions and may result in extension of program participation or even termination from the program.

A set bond of \$50,000 cash or surety will be set on any VCTRI participant arrested for a violation.

If a bench warrant is issued for a VCTRI participant, the participant will be removed permanently from the program after 30 days after the warrant was issued and the participant has not been arrested.

PROGRAM REQUIREMENTS

It is anticipated that most VCTRI participants will suffer from substance dependence. However, such dependence is not a pre-requisite for entry. Each participant will have an individualized treatment and legal requirements plan. Examples of those plan requirements are indicated below, but the following is neither an exhaustive list nor will each requirement necessarily apply to each participant:

- ❖ Abstinence from alcohol and/or illegal drugs.
- ❖ Consumption of prescription medications only as prescribed.
- ❖ Submission to up to twice daily Preliminary Breath Tests and/or agreement to participate in a SCRAM or VISITEL monitoring system.
- ❖ Submit to random urine screens that are neither diluted nor altered.
- ❖ Participate in in-patient treatment at the Veterans Administration.
- ❖ Attend Intensive Individual Out-patient substance dependence treatment (IOP).
- ❖ Comply with treatment recommendations of the VCTRI treatment provider and VA and/or Vets' Center tailored to the participant's particular mental and/or physical conditions (e.g. counseling for PTSD or associated adjustment disorders, Anger Management, Family Counseling, Cognitive Behavioral Therapy for antisocial behaviors, Rehabilitation Counseling for TBI).
- ❖ Attend the number of community based support groups per week that the Court Orders.
- ❖ Establish a relationship with community-based veteran Mentor assigned to you by the Court.
- ❖ Obtain an AA sponsor.
- ❖ Perform the hours of community service Ordered by the Court.
- ❖ Pay fines and costs and/or costs of the program requirements.

- ❖ Pay restitution as Ordered.
- ❖ Meet with your probation officer as directed.
- ❖ Attend court sessions bi-weekly with other VCTRI participants.
- ❖ Find and maintain employment if able to work and not retired.
- ❖ Abide by a curfew.
- ❖ Abide by requirement that you will not possess any weapons (including service memorabilia) while in the VCTRI program if you are a felon or violent misdemeanor and disclose the presence of any weapons possessed by anyone in your household.
- ❖ Comply with a Court Order to not have contact with specified individuals, their families or places of employment.
- ❖ Obtain and maintain appropriate housing.
- ❖ Allow random home visits by a court agent and/or police officer who may or may not be accompanied by your Mentor.
- ❖ Begin to develop healthy living plan which includes coping strategies, good cognitive behavior, and additional tools for recovery.

64A District Court	VETERANS' COURT (VCTRI) PARTICIPATION WAIVER AND AGREEMENT	Case Number:
101 W. Main St., Ionia, MI 48846		616-527-5346
Name: DOB:		Charge(s):
Judge:		Prosecutor:
Defense Attorney:		Case Manager:

As a condition of my sentence to the Veterans' Court for Treatment and Recovery of Ionia (VCTRI), I agree to the terms set forth in this agreement:

1. I have entered a guilty plea. As a condition of the plea agreement, I am being sentenced to participate in the VCTRI Program. I will also be subject to a term of probation not to exceed two years for misdemeanants and five years for felons unless the maximum term of probation allowed by statute is warranted.

2. I understand that upon entering my plea of guilty and being accepted into the Veterans' Court, my attorney will not further assist me unless my participation in the Program is terminated through a probation violation.
3. I understand that upon entering my plea of guilty to a drunk or impaired driving offense, an abstract will be sent to the Secretary of State, and my driver's license will be suspended/revoked according to the penalty imposed for this charge.
4. I agree to complete diagnostic evaluations and participate in a treatment program as ordered by the Veterans' Court. I further agree to pay all program fees as directed.
5. The Veterans' Court Judge and my Case Manager will be informed of my involvement in counseling and its objectives, alcohol and/or drug testing results, and my overall progress in the program. I will, therefore, consent to a disclosure of my compliance with treatment recommendations and test results compiled by individuals involved in my treatment and counseling, and I waive all privileges. I will further sign a release for treatment providers to speak with my veteran Mentor (see attached Release).
6. I will inform my treating physicians if I am a recovering alcoholic and/or drug addict, and therefore that I may not take narcotic or addictive medications or drugs.
7. I agree I will not use, possess or associate with persons who use or possess any controlled substance or illegal drug, such as marijuana, heroin, cocaine, methamphetamine, PCP, or LSD. I will not use or possess alcohol. I will not use or possess any other drug without a prescription, and I will only use my prescription medication as prescribed. I will not take over-the-counter medications prohibited by the court which may result in a false positive urine test.
8. I agree to be tested for the presence of alcohol or drugs as often as requested by the Veterans' Court Judge, Case Manager, or Treatment Provider. Testing may be accomplished by a preliminary breath test, observed urinalysis, SCRAM or VISITEL monitoring, or other method selected by the Case Manager. I understand that if I fail to participate in a test, it will be treated as a positive (dirty) test. I further understand that positive, diluted, or adulterated test results and/or failure to participate in necessary testing may result in sanctions for my conduct at the discretion of the Veterans' Court Judge.

9. I will attend all appointments scheduled through my Case Manager and keep him or her and the Court aware of my current address and telephone number(s). I understand that I must report to my Case Manager and that my Case Manager or any other court or police officer may make unscheduled home visits with or without my veteran Mentor.
10. I agree to appear in court on all scheduled court dates and remain in the courtroom while all VCTRI participants are reviewed. If I do not appear, a bench warrant will be issued for my arrest. I agree to dress appropriately for court and treatment sessions and remove my hat when entering the courtroom.
11. I understand that as a condition of participation in the VCTRI program, my person, property, place of residence, vehicle or personal effects may be searched at any time with or without a warrant, and with or without probable cause, when required by a probation officer or other law enforcement officer.
12. I will not possess any weapons (including service memorabilia) while in the VCTRI program if I am a felon or violent misdemeanor, and I will disclose the presence of any weapons possessed by anyone in my household.
13. I will not engage in any anti-social conduct, meaning no assaultive, abusive, threatening or harassing behavior. (*Note, this provision includes the activity known as "cage-fighting."). This provision is not intended to interfere with authorized military training.
14. I understand that my continued participation in the Veterans' Court is solely at the discretion of the Veterans' Court Judge. Violations of this Agreement, probation Order, or failure to meet program requirements or any other conditions required by my Case Manager and/or Veterans' Court Judge may result in an increase of the intensity of treatment options and/or sanctions, extension of program participation and/or termination from the program. Sanctions include, but are not limited to, increased supervision, community service, electronic monitoring, and jail.
15. I understand that sanctions may be imposed at any time by the Veterans' Court Judge without a formal violation charge and/or hearing. I waive the right to formal charges, a hearing, and representation by an attorney.

I have carefully read all of the terms and conditions of this agreement. I have done this in the presence of an attorney (or having waived my right to the presence of an attorney) and have had an opportunity to ask any questions that I might have regarding the agreement. I have also had the opportunity to ask the Judge or Case Manager any questions about the program. **By signing this**

agreement that I fully understand all of the terms and conditions detailed in this agreement and agree to abide by each of the conditions.

Date:_____ Defendant:_____

Date:_____ Defense Attorney:_____

Date:_____ Veterans' Court Judge:_____

RELEASE OF INFORMATION

The Veterans' Court Judge and my Case Manager will be informed of my involvement in counseling and its objectives, alcohol and/or drug testing results, and my overall progress in the program. I will, therefore, consent to a disclosure of my compliance with treatment recommendations and test results compiled by individuals involved in my treatment and counseling, and I waive all privileges. I further sign this release to allow treatment providers to speak with my veteran Mentor about my involvement in counseling and its objectives, alcohol and/or drug testing results, and my overall progress in the program.

Date:

Program Participant